

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

EDWIN LEROY SHEPPARD,

Petitioner,

File No: 2:07-CV-132

v.

HON. ROBERT HOLMES BELL

WARDEN JEFF WHITE,

Respondent.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

On December 23, 2009, Magistrate Judge Timothy P. Greeley issued a Report and Recommendation ("R&R") recommending that Petitioner Edwin Leroy Sheppard's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. (Dkt. No. 42, R&R.) The R&R was duly served on the parties. More than ten days have elapsed since service of the R&R and no objections have been filed. Instead, on January 14, 2010, Petitioner filed a proposed amended petition for writ of habeas corpus. (Dkt. No. 43.)

The Court has reviewed the R&R and is satisfied with its disposition of the case. The Court has also reviewed Petitioner's proposed amended petition. The proposed amended petition (Dkt. No. 43) is actually a proposed **second** amended petition. Petitioner filed a first amended petition before the R&R was entered. (Dkt. No. 39.) Petitioner's proposed second amended petition is identical to his first amended petition, except that certain paragraphs have been redacted. Petitioner's proposed second amended petition does not raise any

specific objections to the R&R, nor would consideration of the proposed second amended petition call for a different analysis or a different result than that proposed in the R&R. Accordingly,

IT IS HEREBY ORDERED that the December 23, 2009, R&R (Dkt. No. 42) is **APPROVED and ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, as amended (Dkt. Nos. 1, 39) is **DENIED**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**. 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473 (2000).

Dated: April 30, 2010

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE